

REMARKS

STATUS OF CLAIMS

Claims 1-33 are pending.

Claims 1-4, and 14-23 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claims 1-33 are rejected under 35 USC 103(a) as being unpatentable over Hirobumi, Japanese Publication No. 2000-306026, hereinafter referred to as "Hirobumi," in view of Spain, U.S. Patent No. 7,058,811, hereinafter referred to as "Spain." Spain is newly cited and newly relied upon.

In accordance with the foregoing, the claims 1-33 remain pending for reconsideration, which is respectfully requested.

No new matter has been added in this Amendment.

The Examiner's rejections are respectfully traversed.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) the amendments of the claims should not entail any further search by the Examiner because the amendments improve only the form of the claims, the remarks apply the discussions of Hirobumi and Spain specifically to the language of the claims and finality of issues with the Examiner has not been reached, since an obviousness rejection cannot be established over Hirobumi and Spain, thus warranting entry the amendments and consideration of the remarks and withdrawal of the rejection of claims and/or withdrawal of the finality of the Office Action; and/or

(b) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for appeal and/or simplify issues for appeal. It is believed that no new features or new issues appear to be raised.

In view of the remarks it is believed the claims are allowable over Hirobumi and Spain.

35 U.S.C. § 112, SECOND PARAGRAPH, REJECTIONS:

The Office Action, at item 5, asserts:

Since it is the first computer which is requesting permission to read specific data in a second computer, the comparison is done in the second computer by the second computer to either grant or deny said first computer to read said specific data stored in the second computer. It is therefore the second computer, which gives the first computer permission to read specific data.

Applicants respectfully disagree with the Office Action's assertion because, for example, claim 1 recites, in part:

An information processing method in **a center system**, comprising:

receiving a first digital signature for specific data and data concerning a first user to be allowed to read said specific data, **from a terminal of a second user**;

Therefore, the claimed "center system" receives "a first digital signature for specific data and **data concerning a first user to be allowed to read said specific data, from a terminal of a second user.**" In other words, the claimed "center system" receives a "digital signature" and "data concerning a first user ... **from a terminal of a second user,**" and, thus, the claimed "second user" requests the claimed "first user" be given permission to read the specific data. Therefore, in contrast to the Office Action assertion that "it is the first computer which is requesting permission to read specific data in a second computer," the claimed "second user" is clearly requesting that the claimed "first user" be given permission to read the claimed "specific data."

The Office Action, at item 5, further asserts that the claimed "confirming if an authority to give said first user permission to read said specific data is **granted to said second user** by comparing..." "is ambiguous and does not give a well defined meaning ... it is therefore the second computer, which gives the first computer permission to read specific data. Therefore, the limitation should have been written as 'confirming if an authority to give said first user permission to read said specific data is granted **by said second user by comparing.**'"

While applicants agree that the claimed "second user" is giving permission to the claimed "first user" to read the specific data, Applicants respectfully disagree with the Office Action's proposed claim amendment, because prior to giving permission to the claimed "first user," the claimed embodiment first performs "confirming if an authority to give said first user permission to read said specific data is **granted to said second user.**" In other words, the claimed embodiment first confirms that the second user has the authority to give the first user permission to read the specific data. In one embodiment, the claimed "confirming" is accomplished "by comparing the received first digital signature with a second digital signature, which is registered

in a data storage unit so as to correspond to said specific data," as recited, for example, in claim 1.

Accordingly, Applicants respectfully submit that claims 1 and 14 comply with the requirements of 35 U.S.C. § 112, second paragraph.

The Office Action at page 3, lines 2-3, asserts "for the sake of examination, the examiner interprets such limitation as corrected/suggested/shown above." Accordingly, Applicants respectfully submit that the finality of the Office Action and rejections of the claims be withdrawn since the Office Action failed to examine the application based upon the claims as written.

The Office Action, at item 6, rejects claims 2-4 and 15-17 because these claims depend from rejected claims 1 and 14. In accordance with the foregoing, Applicants respectfully submit that claims 1 and 14 comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the claim rejections.

The Office Action, at item 7, rejects claims 14-23, because, allegedly, "a program stored in a computer-readable medium does not control the apparatus itself." In accordance with the foregoing, the claims are amended, taking into consideration the Examiner's comments. Applicants respectfully submit that claims 14-23 comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, withdrawal of the claim rejection is respectfully requested.

35 U.S.C. § 103(a) REJECTION:

Independent claims 1, 5, 11, 12, 14, 18, 24 and 28 are allegedly unpatentable over Hirobumi, in view of Spain.

The Office Action, at item 10, rejects claims 1, 5, 11, 12, 14, 18, 24 and 28-33, including all of the independent claims, because, allegedly, "Hirobumi discloses an information processing method in a center system, comprising: receiving a first digital signature for specific data and data concerning a first user to be allowed to read said specific data, from a terminal of a second user...comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data; and if said first signature and said second signature are identical, performing a processing for enabling said first user to read said specific data" in the Abstract of Hirobumi.

Applicants respectfully request that a reference must be applied specifically to the language of each independent claim.

Independent claims 5, 11, 12, 18 and 28 do not recite the features "receiving a first digital signature for specific data and data concerning a first user to be allowed to read said specific

data, from a terminal of a second user...comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data; and if said first signature and said second signature are identical, performing a processing for enabling said first user to read said specific data," accordingly, applicants respectfully submit that the rejection of claims 5, 11, 12, 18 and 28 appears to be misplaced. Accordingly, withdrawal of the finality of the Office Action is respectfully requested, because the Office Action does not specify what in Hirobumi and Spain corresponds to each of the claims 5, 11, 12, 18 and 28 limitations, for example, the claimed "receiving a first digital signature for specific data from a terminal of a user; confirming if an authority to update said specific data is granted to said user by comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data; and if said first digital signature and said second digital signature are identical, carrying out a setting to allow said user to update said specific data," as recited in claim 5. Furthermore, Applicants respectfully submit that claims 5, 11, 12, 18 and 28 contain allowable subject matter since claims 5, 11, 12, 18 and 28 were not addressed.

The Office Action, at page 5, acknowledges that Hirobumi fails to explicitly disclose the claimed "confirming if an authority to give said first user permission to read said specific data is granted to said second user by comparing the received first digital signature with a second digital signature," as recited, for example, in claim 1. The Office Action asserts that Spain, in the abstract, discloses the same.

Applicants respectfully disagree with the assertion, because although Spain discusses controlling an access to a hardware element, Spain fails to disclose, either expressly or implicitly, controlling an access to specific data stored in a server over a network. In other words, Spain fails to disclose, either expressly or inherently, the claimed "information processing method **in a center system**, comprising: **receiving a first digital signature for specific data** and data concerning a first user to be allowed to read said specific data, from a terminal of a second user; confirming if an authority to give said first user permission to read said specific data is granted to said second **user by comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data**," as recited, for example, in claim 1.

Spain discloses, "comparing the digital signature of the hardware element to a known value," as asserted by the Examiner. However, in Spain, the digital signature is **decrypted** before being compared to the "known value" (see, for example, Spain at steps 440-460 of FIG. 4).

Further, Spain, at column 3, lines 21-23 defines that the "known value" is "the hardware address of the hardware element 110 that has been **manipulated by the hash algorithm.**" Accordingly, Applicants respectfully submit that Spain fails to disclose, either expressly or implicitly, that the "known value" indicates a digital signature itself encrypted with a private key. Thus, Spain fails to disclose, either expressly or implicitly, that a digital signature is compared with another digital signature. Accordingly, Applicants respectfully submit that Spain fails to disclose, either expressly or implicitly, the claimed "confirming if an authority to give said first user permission to read said specific data is granted to said second **user by comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data,**" as recited in claim 1.

Furthermore, Spain fails to disclose a method for "enabling said first user to read said specific data," in response to receiving a first digital signature from a terminal of "a second user," who is different from said first user. In other words, Spain fails to disclose, either expressly or implicitly, a the claimed "**receiving a first digital signature** for specific data and data concerning a first user to be allowed to read said specific data, **from a terminal of a second user;** confirming if an authority to give said first user permission to read said specific data is granted to said second user by comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data; and **if said first signature and said second signature are identical, performing a processing for enabling said first user to read said specific data.**"

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness cannot be based upon Hirobumi and Spain, because both Hirobumi, Spain and any combination thereof, fails to disclose, either expressly or implicitly, the claimed "confirming if an authority to give said first user permission to read said specific data is granted to said second user by comparing the received first digital signature with a second digital signature, which is registered in a data storage unit so as to correspond to said specific data," as recited, for example, in claim 1. Furthermore, Applicants respectfully submit that there is no evidence that one skilled in the art would modify Hirobumi, Spain or a combination of Hirobumi and Spain to include the same.

Accordingly, Applicants respectfully submit that claim 1 patentably distinguishes over the cited references.

Furthermore, Applicants respectfully submit that independent claims 14 and 24 patentably distinguish over the cited prior art for similar reasons as independent claim 1.

Independent claim 5 recites "receiving a first digital signature for specific data from a terminal of a user; confirming if an authority to update said specific data is granted to said user

by **comparing the received first digital signature with a second digital signature**, which is registered in a data storage unit so as to correspond to said specific data; and if said first digital signature and said second digital signature are identical, carrying out a setting to allow said user to update said specific data."

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness cannot be based upon Hirobumi and Spain, because both Hirobumi, Spain and any combination thereof, fails to disclose, either expressly or implicitly, the claimed "confirming if an authority to update said specific data is granted to said user by **comparing the received first digital signature with a second digital signature**, which is registered in a data storage unit so as to correspond to said specific data," as recited, for example, in claim 5. Furthermore, Applicants respectfully submit that there is no evidence that one skilled in the art would modify Hirobumi, Spain or a combination of Hirobumi and Spain to include the same.

Applicants respectfully submit that independent claims 18 and 28 patentably distinguish over the cited prior art for similar reasons as independent claim 5. Accordingly, withdrawal of the claim rejections is respectfully requested.

Independent claim 11 recites, in part, "wherein the registered hash and the registered digital signature ~~is~~are used to confirm if an authority to access said specific data is ~~grand~~granted to an access requestor." Accordingly, Applicants respectfully submit that claim 11 patentably distinguishes over the cited prior art.

Claim 12 recites, in part, "if said digital signature and a second digital signature, which is registered in said server, for said specific data are identical, receiving and displaying on a display device, said specific data in a state where updating is enabled, from said server." claimed. Accordingly, Applicants respectfully submit that claim 12 patentably distinguishes over the cited prior art.

Dependent claims recite patentably distinguishing features of their own or are at least patentably distinguishing due to their dependence from the independent claims. Withdrawal of the rejection of pending claims, and allowance of pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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